



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,876	05/05/2005	Mats Johansson	027651-267	9663
21839 7590 01/15/2008 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER TRUONG, THANH K	
			ART UNIT 3721	PAPER NUMBER
			NOTIFICATION DATE 01/15/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
debra.hawkins@bipc.com

Office Action Summary

Application No.

10/533,876

Applicant(s)

JOHANSSON ET AL.

Examiner

Thanh K. Truong

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-18 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment received on November 7, 2007.
2. Applicant's cancellation of claims 19-22 is acknowledged.
3. Examiner's note: it is maintained that applicant must show features of the invention specified in the claims, and thus objection to the drawing is repeated.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following limitations must be shown or the feature(s) canceled from the claim(s). No new matter should be entered:

"each forming flap being directly pushed by the associated sealing half during at least part of the reciprocal movement of the associated sealing half to pivotally move the forming flap toward the package" as recited in claim 1;

"the forming flaps during the movement of the sealing halves towards the closed sealing position pressing two opposing portions of the package towards each other" as recited in claim 1; and

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-10 and 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by A. B. Mojonier (2,798,349).

Regarding claims 1 and 26, Mojonier discloses an apparatus comprising:

at least one pair of sealing halves (61, 64), which are reciprocally movable between an open position and a closed sealing position, one of the sealing halves comprising sealing means for sealingly closing the open end of the package,

forming means for forming the package comprising a pair of forming flaps (41, 46, 47) each forming flap being associated with a sealing half and each forming flap

possessing a first end pivotally attached to a support, each forming flap being directly pushed by the associated sealing half during at least part of the reciprocal movement of the associated sealing half to pivotally move the forming flap toward the package, and the forming flaps during the movement of the sealing halves towards the closed sealing position pressing two opposing portions of the package towards each other (figures 1, 5 and 7-19 – column 1, lines 60-72 and column 2, lines 1-4).

Regarding claim 2, wherein each of the forming flaps (41) is adapted to be pivoted from a first essentially vertical position to a second angled position in which the second end of each forming flap is in contact with a portion adjacent the open end of each package (figures 7-10).

Regarding claim 3, wherein each of the forming flaps is biased, such that it is kept in its first essentially vertical position when the sealing halves are in their open position (figures 5 and 7).

Regarding claim 4, wherein the apparatus comprises at least three pairs of linkage arrangement including a first pair of linkage arrangements with two reciprocally movable halves (41, 41) provided with pressing means for pressing on opposing portion of the package at a distance from the open end thereof, a second pair of linkage arrangements that include the forming flaps (46, 47) for forming each package adjacent the open end thereof, and a third pair of linkage arrangements that include the one pair of halves (61, 64) which are reciprocally movable between the open and closed positions.

Regarding claim 5, wherein each of the forming flaps (46, 47) is attached at its first end to one end of a respective upstanding arm (48, 49).

Regarding claim 6, wherein each of the forming flaps (46, 47) is biased by a spring (52, 53), which is operatively connected to the first end of each of the forming flaps (figures 1 and 5).

Regarding claim 7, wherein each of the forming flaps (41) is attached at its first end to an upper side of a respective upstanding arm (42, 86) (figure 5).

Regarding claim 8, wherein each of the forming flaps is generally T-shaped and oriented such that the second end of the flap forms the overhead horizontal leg of the T (46, 47 form a T-shaped with 48 and 49).

Regarding claim 9, wherein the three pairs of linkage arrangements for sealingly closing the open end of each package are vertically spaced apart, so that the movable halves of the linkage arrangements are freely movable in relation to each other during sealing and closing of each package (figures 1 and 5).

Regarding claim 10, wherein the third pair of linkage arrangements including the sealing means (61, 64) for sealingly closing the open end of each package is placed at a vertical distance from each half of the second pair of linkage arrangements, which vertical distance is adapted so that the flap (41) is pivoted by the two halves of the third pair of linkage arrangements from its first essentially vertical position to its second angled position for pressing two opposing portions of the package toward each other

(figures 1 and 5 show that 41, 41, 61 , 64 are connected through linkages and vertically space apart).

Regarding claims 23-25, a pair of package engaging members adapted to engage opposite sides of the package, each of the forming flaps being mounted for pivoting movement relative to a respective one of the package engaging members; wherein each package engaging member is a U-shaped; and each forming flap is pivotally mounted on the respective package engaging member (it is construed that the apparatus as shown in figure 1 is a package engaging apparatus and has package engaging members that formed in an inverted U-shaped – two vertical legs 26 and a horizontal leg 37 and forming flap (41) is pivotally mounted on the respective package engaging member (37)).

Allowable Subject Matter

7. Claims 11-18 are allowed.

Response to Arguments

8. Applicant's arguments filed November 7, 2007 have been fully considered but they are not persuasive.
9. In response to the applicant's argument that:

"...From this description, it is readily apparent that Mojonier does not disclose forming flaps that are directly pushed by a sealing half during at least a part of the reciprocal movement of the associated sealing half to pivotally move the forming flap toward the package as recited in Claim 1.";

this is not found persuasive for the following reasons:

Firstly, claim 1 recited, among other things, the following: "...each forming flap being directly pushed by the associated sealing half during at least part of the reciprocal movement of the associated sealing half to pivotally move the forming flap toward the package" (emphasis added).

The term "associated" is define by The American Heritage® Dictionary of the English Language, Fourth Edition as followings:

"to join as a partner, to connect or join together; combine" (v.tr.); or

"a companion; a member of an institution" (n); or

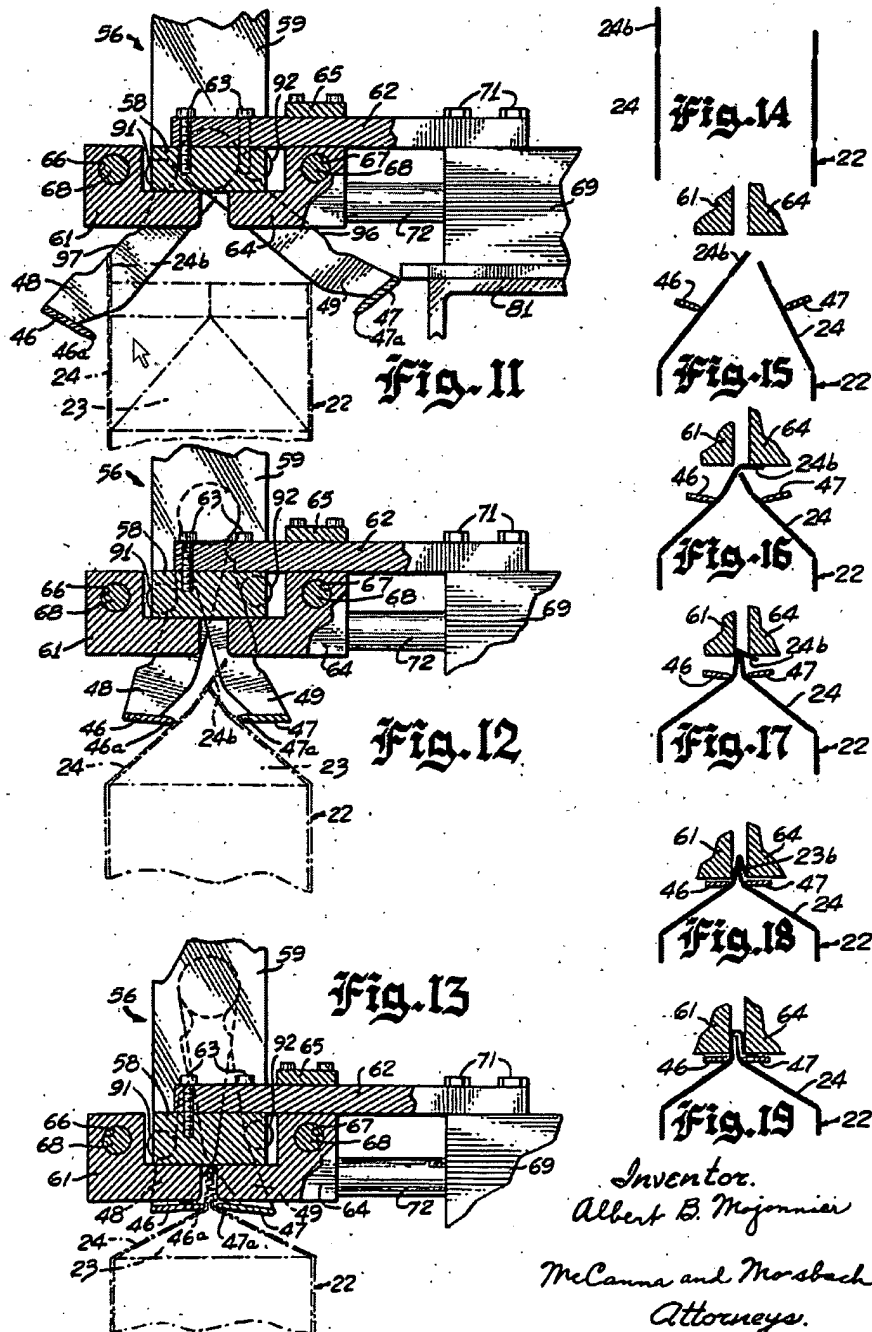
"following or accompanying; concomitant" (adj) (emphasis added).

Accordingly, it is construed that, Mojonnier clearly discloses the claim as recited. The forming flap (46, 47) and the sealing halves (61, 64) are joined as partner, they are working together in a synchronization manner, they following each other in sequence to fold and seal the flap together.

Furthermore, figures 14-19 clearly anticipates claims as recited. The forming flap (24b) being directly pushed by the sealing member (61, 64) ... as recited (see figures 11-19 on next page).

"In this position, the closure flap 24b on the front foldable panel of the carton is engaged by the rear movable jaw 64 of the sealing mechanism and the latter deflects the foldable portion downwardly, as best shown in Fig. 16 ... the position shown in Fig. 13 moves both of the folding bars 46 and 47 towards each other to firmly press the foldable panels 24 of the cartons together. At this point, the sealing mechanism is operated to move the rear jaw 64 forwardly to compress the foldable panels and closure flap together and seal the carton as diagrammatically shown in Fig. 19." (emphasis added) (column 5, lines 38-58).

Regarding claims 2-10 and 23-26, the examiner maintains that Mojonnier clearly anticipates the claims as recited.



Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

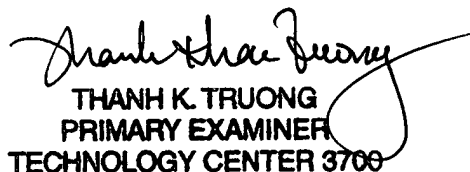
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/533,876
Art Unit: 3721

Page 10

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tkf
January 8, 2008.


THANH K. TRUONG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3700